



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 6, 2025

PUBLIC ACCESS OPINION 25-005
(Request for Review 2025 PAC 86057)

FREEDOM OF INFORMATION ACT:
Duty to Respond to FOIA Requests

Ms. Lynette Fisher
2655 West 68th Street, Apartment 2
Chicago, Illinois 60629

The Honorable Karen Wingfield-Bond
Village Clerk & FOIA Officer
Village of Lynwood
21460 Lincoln Highway
Lynwood, Illinois 60411

Dear Ms. Fisher and Ms. Wingfield-Bond:

This binding opinion is issued by the Attorney General pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2023 Supp.)). For the reasons discussed below, this office concludes that the Village of Lynwood (Village) violated section 3(d) of FOIA (5 ILCS 140/3(d) (West 2022)) by failing to comply with, deny in writing in whole or in part, or otherwise appropriately respond to a FOIA request submitted by Ms. Lynette Fisher.

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Ms. Lynette Fisher
Ms. Karen Wingfield-Bond
June 6, 2025
Page 2

BACKGROUND

On March 19, 2025,¹ Ms. Fisher submitted a FOIA request to the Village seeking copies of the following records:

1. Internal Communications Regarding Mayor Jada Curry's Salary Increases
 - All emails, text messages, and memos from 2021 to present between the Mayor, Village Clerk, Finance Director, and Board of Trustees regarding:
 - Salary increases for Mayor Jada Curry
 - Discussions on whether such increases were legal under Illinois law
 - Concerns raised internally about the appropriateness or legality of these increases
2. Payroll & Budget Records
 - All payroll records from 2021 to present showing:
 - Salary payments made to Mayor Jada Curry
 - Documentation of who approved and processed these payments
 - All municipal budget records from 2021 to present indicating:
 - The officially approved salary for the Mayor each year
 - Any amendments or discussions regarding changes to the salary ordinance
3. Board Meeting Minutes & Ordinances
 - Copies of all Board of Trustees meeting minutes from 2021 to present where:
 - The Mayor's salary was discussed, voted on, or amended
 - Any trustees, staff, or officials raised concerns about salary discrepancies

¹Because Ms. Fisher transmitted the request via e-mail after business hours at 8:52 p.m., the Village's "receipt of the request[]" was March 20, 2025, for purposes of calculating the time period to respond under section 3(d) of FOIA (5 ILCS 140/3(d) (West 2022)).

Ms. Lynette Fisher
Ms. Karen Wingfield-Bond
June 6, 2025
Page 3

- A copy of the current salary ordinance and any amendments from 2021 to present.
4. Resident Complaints & Public Concerns About Mayor's Salary Increases

- All public records, emails, letters, or formal complaints submitted by residents from 2021 to present regarding concerns about:
- Mayor Jada Curry's salary increases
- Potential misuse of public funds
- Pension fraud related to her reported earnings to IMRF
- Copies of Board of Trustees meeting minutes where residents raised concerns about the Mayor's salary, including any responses given by village officials.
- Any official responses from the Village Clerk, Finance Director, or Board of Trustees to residents or the public regarding these concerns.^[2]

On April 1, 2025, and April 8, 2025, Ms. Fisher submitted the records required to file a Request for Review with the Public Access Counselor alleging that the Village had failed to respond to her March 19, 2025, FOIA request.³

On April 15, 2025, the Public Access Bureau e-mailed⁴ a copy of the Request for Review to the Village's FOIA Officer together with a letter asking whether the Village had received and responded to Ms. Fisher's FOIA request.⁵ The April 15, 2025, letter also requested that if the Village had received but not responded to Ms. Fisher, it do so and to provide a copy of its response to this office.⁶ The Village did not respond to the inquiry letter. On April 25, 2025,

²E-mail from Lynette Fisher to FOIA Officer, Village of Lynwood (March 19, 2025).

³E-mail from Lynette Fisher to Public Access Counselor, [Office of the Attorney General] (April 1, 2025); E-mail from Lynette Fisher to Public Access Counselor, [Office of the Attorney General] (April 8, 2025).

⁴E-mail from Michael J. Knight, Assistant Attorney General, Public Access Bureau, Office of the Illinois Attorney General, to [Karen] Wingfield-Bond, [FOIA Officer & Village Clerk, Village of Lynwood] (April 15, 2025).

⁵Letter from Michael J. Knight, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Karen Wingfield-Bond, FOIA Officer & Village Clerk, Village of Lynwood (April 15, 2025), at [1].

⁶Letter from Michael J. Knight, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Karen Wingfield-Bond, FOIA Officer & Village Clerk, Village of Lynwood (April 15, 2025), at [1].

Ms. Lynette Fisher
Ms. Karen Wingfield-Bond
June 6, 2025
Page 4

Ms. Fisher informed the Public Access Bureau that she had not received a response from the Village.⁷ On April 28, 2025, Ms. Fisher sent an additional e-mail to this office stating that the Village still had not responded to her FOIA request.⁸ On April 28, 2025, an Assistant Attorney General (AAG) in the Public Access Bureau sent an e-mail to the Village's FOIA Officer following up on the April 15, 2025, letter, and asking for an update on the status of the Village's response.⁹ The Village did not respond to that e-mail.

On May 1, 2025, the Public Access Bureau sent an additional copy of the Request for Review to the Village via both e-mail¹⁰ and United States Postal Mail and again asked the Village to respond to the April 15, 2025, inquiry letter.¹¹ The letter advised the Village that if it did not promptly respond to the request or assert that it did not receive the request, this office may issue a determination letter or a binding opinion concluding that the Village violated FOIA.¹² On May 8, 2025, and May 12, 2025, Ms. Fisher sent additional e-mails to this office stating that the Village still had not responded to her FOIA request.¹³

As of the date of the issuance of this binding opinion, this office has not received any response from the Village, nor has it received any indication that the Village has responded to Ms. Fisher's March 19, 2025, FOIA request.

⁷E-mail from Lynette Fisher to [Michael J. Knight, Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (April 25, 2025).

⁸E-mail from Lynette Fisher to [Michael J.] Knight, [Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (April 28, 2025).

⁹E-mail from Michael J. Knight, Assistant Attorney General, Public Access Bureau, Office of the Illinois Attorney General, to [Karen] Wingfield-Bond, [FOIA Officer & Village Clerk, Village of Lynwood] (April 28, 2025).

¹⁰E-mail from Michael J. Knight, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to [Karen] Wingfield-Bond, [FOIA Officer & Village Clerk, Village of Lynwood] (May 1, 2025).

¹¹Letter from Michael J. Knight, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Karen Wingfield-Bond, FOIA Officer & Village Clerk, Village of Lynwood (May 1, 2025), at [1].

¹²Letter from Michael J. Knight, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Karen Wingfield-Bond, FOIA Officer & Village Clerk, Village of Lynwood (May 1, 2025), at [1].

¹³E-mail from Lynette Fisher to [Michael J.] Knight, [Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (May 8, 2025); E-mail from Lynette Fisher to [Michael J.] Knight, [Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (May 12, 2025).

Ms. Lynette Fisher
Ms. Karen Wingfield-Bond
June 6, 2025
Page 5

ANALYSIS

"It is a fundamental obligation of government to operate openly and provide public records as expediently and efficiently as possible in compliance with [FOIA]." 5 ILCS 140/1 (West 2022). Under section 1.2 of FOIA (5 ILCS 140/1.2 (West 2022)), "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying." Section 3(a) of FOIA (5 ILCS 140/3(a) (West 2022)) provides that "[e]ach public body shall make available to any person for inspection or copying all public records, except as otherwise provided in Sections 7 and 8.5 of this Act." Section 3(d) of FOIA further provides:

Each public body shall, promptly, either comply with or deny a request for public records within 5 business days after its receipt of the request, unless the time for response is properly extended under subsection (e) of this Section. Denial shall be in writing as provided in Section 9 of this Act. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. A public body that fails to respond to a request within the requisite periods in this Section but thereafter provides the requester with copies of the requested public records may not impose a fee for such copies. A public body that fails to respond to a request received may not treat the request as unduly burdensome under subsection (g).

Section 3(e) of FOIA (5 ILCS 140/3(e) (West 2022)) permits a public body to extend its response time by no more than five business days for any of seven enumerated reasons. Any additional extension requires a written agreement between the requester and the public body. 5 ILCS 140/3(e) (West 2022).

It is undisputed that the Village did not respond to Ms. Fisher's March 19, 2025, FOIA request within five business days after its receipt by either complying with her request, extending the time for its response pursuant to section 3(e) of FOIA, or denying the request in writing in whole or in part. The Village's failure to comply with the requisite response procedures violated section 3(d) of FOIA.

FINDINGS AND CONCLUSIONS

After full examination and giving due consideration to the information submitted, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

1) After business hours on March 19, 2025, Ms. Lynette Fisher submitted a FOIA request to the Village seeking copies of certain records related to Village's budget, salaries, and payroll.

Ms. Lynette Fisher
Ms. Karen Wingfield-Bond
June 6, 2025
Page 6

2) On April 8, 2025, Ms. Fisher completed the submission of her Request for Review to the Public Access Bureau alleging that the Village had failed to respond to her FOIA request. Ms. Fisher's Request for Review was timely filed and otherwise complies with the requirements of section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2023 Supp.)). Therefore, the Attorney General may properly issue a binding opinion with respect to this matter.

3) On April 15, 2025, the Public Access Bureau forwarded a copy of the Request for Review to the Village along with a letter asking whether the Village had received and responded to Ms. Fisher's FOIA request. On April 28, 2025, the Public Access Bureau sent the Village an e-mail following up on the April 15, 2025, letter, and asking for an update on the status of the Village's response. The Village did not respond to the April 15, 2025, letter or the April 28, 2025, e-mail.

4) On May 1, 2025, the Public Access Bureau sent an additional copy of the Request for Review and a second letter to the Village, via e-mail and United States Postal Mail, asking the Village to promptly respond to Ms. Fisher's request or notify this office if it had not received the request. The Village did not respond.

5) As of the date of the issuance of this binding opinion, this office has received no information indicating that the Village has responded to Ms. Fisher's March 19, 2025, FOIA request.

Therefore, it is the opinion of the Attorney General that the Village has violated section 3(d) of FOIA by failing, within the statutory time period for responding to Ms. Fisher's March 19, 2025, request, to provide copies of the requested records or to deny the request in writing in whole or in part. Accordingly, the Village is hereby directed to take immediate and appropriate action to comply with this opinion by providing Ms. Fisher with copies of all records responsive to her March 19, 2025, FOIA request, subject only to permissible redactions, if any, under section 7 of FOIA (5 ILCS 140/7 (West 2023 Supp.)), as amended by Public Acts 103-605, effective July 1, 2024; 103-865, effective January 1, 2025).¹⁴ If the Village determines that any portion of the responsive records is exempt from disclosure under section 7, it is directed to issue a written denial that fully complies with the requirements of section 9(a) of FOIA (5 ILCS 140/9(a) (West 2022)).

This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* (West 2022). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review with the Circuit Court of Cook County or Sangamon County

¹⁴Because the Village did not comply with the statutory requirements for responding to Ms. Fisher's FOIA request, the Village is precluded from treating the request as unduly burdensome or imposing copying fees for the responsive records. 5 ILCS 140/3(d) (West 2022).

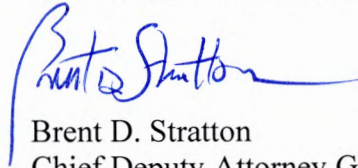
Ms. Lynette Fisher
Ms. Karen Wingfield-Bond
June 6, 2025
Page 7

within 35 days of the date of this decision naming the Attorney General of Illinois and Ms. Lynette Fisher as defendants. *See* 5 ILCS 140/11.5 (West 2022).

Sincerely,

KWAME RAOUL
ATTORNEY GENERAL

By:



Brent D. Stratton
Chief Deputy Attorney General

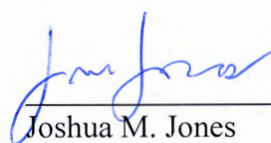
CERTIFICATE OF SERVICE

Joshua M. Jones, Bureau Chief, Public Access Bureau, Chicago, hereby certifies that he has served a copy of the foregoing Binding Opinion (Public Access Opinion 25-005) upon:

Ms. Lynette Fisher
2655 West 68th Street, Apartment 2
Chicago, Illinois 60629
lynettefisher84@gmail.com

The Honorable Karen Wingfield-Bond
Village Clerk & FOIA Officer
Village of Lynwood
21460 Lincoln Highway
Lynwood, Illinois 60411
kwinbond@villageoflynwood.net

by causing a true copy thereof to be sent electronically to the addresses as listed above and by causing to be mailed a true copy thereof in correctly addressed, prepaid envelopes to be deposited in the United States mail at Chicago, Illinois on June 6, 2025.



Joshua M. Jones
Bureau Chief

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